

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

RONALD KING, et al,	)	
	)	
Plaintiffs-Appellants,	)	
	)	
v.	)	APPEAL NO. 24-13658-D
	)	
UA LOCAL 91, et al,	)	
	)	
Defendants-Appellees.	)	

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RONALD KING, ET AL.,	)	
	)	
Plaintiffs-Appellants,	)	
	)	
v.	)	APPEAL NO. 24-13659-D
	)	
DAY & ZIMMERMANN NPS., INC.,	)	
	)	
Defendant-Appellee.	)	

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**PLAINTIFF-APPELLANTS' OPPOSITION TO CONSOLIDATION OF  
SEPARATE APPEALS**

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**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION  
CIVIL ACTION NO. 2:19-cv-01115-ACA**

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Robert L. Wiggins, Jr.  
Russell W. Adams  
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Attorneys for Plaintiff-Appellant

## **CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1, 26.2 and 26.3, Plaintiffs-Appellants, Ronald King, Anthony Robinson, Chris Samuel, Nolan Jones, Jr. and Brian Struggs, submit the following list of persons or entities, which upon information and belief of attorneys for Plaintiffs-Appellants, have or may have an interest in the outcome of this case:

1. Russell W. Adams, and attorneys of Wiggins, Childs, Pantazis, Fisher, and Goldfarb, LLC, representing the Plaintiffs-Appellants;
2. Honorable Annemarie Carney Axon, United States District Judge for the Northern District of Alabama;
3. Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., Attorneys for Defendant-Appellee Day and Zimmermann NPS, Inc., Defendant-Appellee in related case No. 24-13659;<sup>1</sup>
4. Honorable Karon O. Bowdre, United States District Chief Judge for the Northern District of Alabama;

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<sup>1</sup> Defendant Day And Zimmermann NPS, Inc. is the Defendant-Appellee in Related Appeal No. 24-13659 and is disclosed in an abundance of caution. Its counsel is also disclosed in an abundance of caution.

*Ronald King, et al. v. UA Local 91, et al*, Appeal No. 24-13658-D and *Ronald King, et al. v. Day & Zimmermann NPS, Inc.*, Appeal No. 24-13659-D

5. W. Tucker Brown, and the attorneys working for or with the firm of Whatley Kallas, LLP, Attorneys for United Association Of Journeymen And Apprentices Of The Plumbing And Pipe Fitting Industry Of The United States And Canada, AFL-CIO, Defendant-Appellee and United Association National Pension Fund;

6. Zachary B. Busey, and the attorneys working for or with the firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., Attorneys for Defendant-Appellee Day and Zimmermann NPS, Inc. in related case No. 24-13659;

7. Rocco Calamusa, Jr., and attorneys of Wiggins, Childs, Pantazis, Fisher, and Goldfarb, LLC, representing the Plaintiffs-Appellants.

8. Glen M. Connor, and the attorneys working for or with the firm of Quinn, Connor, Weaver, Davies & Rouco, LLP, Attorneys for Plumbers and Steamfitters Local Union 91 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Defendant-Appellee;

*Ronald King, et al. v. UA Local 91, et al*, Appeal No. 24-13658-D and *Ronald King, et al. v. Day & Zimmermann NPS, Inc.*, Appeal No. 24-13659-D

9. Day and Zimmermann NPS, Inc. Defendant-Appellee in related case No. 24-13659;

10. George N. Davies, and the attorneys working for or with the firm of Quinn, Connor, Weaver, Davies & Rouco, LLP, Attorneys for Plumbers and Steamfitters Local Union 91 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States And Canada, Defendant-Appellee;

11. Michael A. Gillman, and the attorneys working for or with the firm of O'Donoghue & O'Donoghue, Attorneys for United Association Of Journeymen And Apprentices Of The Plumbing And Pipe Fitting Industry Of The United States And Canada, AFL-CIO, Defendant-Appellee;

12. Nolan Jones, Jr., Plaintiff-Appellant;

13. Ronald King, Plaintiff-Appellant;

14. Leventhal, Dinah, Counsel for the United Association National Pension Fund;

*Ronald King, et al. v. UA Local 91, et al*, Appeal No. 24-13658-D and *Ronald King, et al. v. Day & Zimmermann NPS, Inc.*, Appeal No. 24-13659-D

15. Louis P. Malone, III, and the attorneys working for or with the firm of O'Donoghue & O'Donoghue, Attorneys for United Association Of Journeymen And Apprentices Of The Plumbing And Pipe Fitting Industry Of The United States And Canada, AFL-CIO, Defendant-Appellee;

16. O'Donoghue & O'Donoghue, LLP, Counsel for United Association Of Journeymen And Apprentices Of The Plumbing And Pipe Fitting Industry Of The United States And Canada, AFL-CIO, Defendant-Appellee and United Association National Pension Fund;

17. Plumbers and Steamfitters Local Union 91 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States And Canada, Defendant-Appellee;

18. Quinn, Connor, Weaver, Davies & Rouco, LLP, Attorneys for Plumbers and Steamfitters Local Union 91 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Defendant-Appellee;

19. Anthony Robinson, Plaintiff-Appellant;

*Ronald King, et al. v. UA Local 91, et al*, Appeal No. 24-13658-D and *Ronald King, et al. v. Day & Zimmermann NPS, Inc.*, Appeal No. 24-13659-D

20. Richard P. Rouco, and the attorneys working for or with the firm of Quinn, Connor, Weaver, Davies & Rouco, LLP, Attorneys for Plumbers and Steamfitters Local Union 91 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States And Canada, Defendant-Appellee;

21. Chris Samuel, Plaintiff-Appellant;

22. Brian Struggs, Plaintiff-Appellant;

23. United Association Of Journeymen And Apprentices Of The Plumbing And Pipe Fitting Industry Of The United States And Canada, AFL-CIO, Defendant-Appellee;

24. United Association National Pension Fund, non-party subject of discovery dispute in the District Court;

25. Joe R. Whatley, Jr., and the attorneys working for or with the firm of Whatley Kallas, LLP, Counsel for United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO, Defendant-Appellee and United Association National Pension Fund;

*Ronald King, et al. v. UA Local 91, et al*, Appeal No. 24-13658-D and *Ronald King, et al. v. Day & Zimmermann NPS, Inc.*, Appeal No. 24-13659-D

26. Whatley Kallas, LLP, Counsel for United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO), Defendant-Appellee and United Association National Pension Fund;

27. Ann K. Wiggins, Jr., and attorneys of Wiggins, Childs, Pantazis, Fisher, and Goldfarb, LLC, representing the Plaintiffs-Appellants;

28. Robert L. Wiggins, Jr., and attorneys of Wiggins, Childs, Pantazis, Fisher, and Goldfarb, LLC, representing the Plaintiffs-Appellants;

29. Wiggins Childs Pantazis Fisher & Goldfarb, LLC representing the Plaintiffs-Appellants;

30. Kayla M. Wunderlich, and the attorneys working for or with the firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., Attorneys for Defendant-Appellee, Day and Zimmermann NPS, Inc. in related case No. 24-13659;

31. The Plaintiffs-Appellants have no knowledge of the Defendant-Appellee's parent companies, subsidiaries, partners, limited liability entity members and managers, trustees, affiliates or similar entities.

*s/Robert L. Wiggins, Jr.*  
Counsel for Plaintiff-Appellant

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

RONALD KING, et al,	)	
Plaintiffs-Appellants,	)	
	)	
v.	)	
	)	APPEAL NO.
	)	24-13658-D
UA LOCAL 91, UNITED ASSOCIATION OF	)	
PLUMBERS,STEAMFITTERS, WELDERS	)	
And HVAC TECHNICIANS; UNITED	)	
ASSOCIATION OF JOURNEYMEN AND	)	
APPRENTICES OF THE PLUMBING AND	)	
PIPE FITTING INDUSTRY OF THE UNITED	)	
STATES AND CANADA, UNION OF	)	
PLUMBERS, FITTERS, WELDERS AND	)	
SERVICE TECHNICIANS	)	
Defendants-Appellees.	)	
<hr/>		
RONALD KING, et al,	)	
Plaintiffs-Appellants,	)	
	)	
v.	)	APPEAL NO.
	)	24-13659-D
DAY & ZIMMERMANN NPS., INC.,	)	
Defendant-Appellee.	)	

**PLAINTIFF-APPELLANTS' OPPOSITION TO CONSOLIDATION OF  
SEPARATE APPEALS**

The Plaintiff-Appellants oppose consolidating the appeal of the district court's rulings on their claims against the two Union Defendant-Appellees (Appeal #24-13658-D) with the appeal of the completely separate rulings on their independent claims against Defendant-Appellee Day and Zimmerman NPS, Inc. (Appeal #24-13659-D).

The following Orders appealed from in Appeal #24-13658-D only involve and affect the two Union Defendant-Appellees: (1) the Order granting partial judgment on the pleadings against certain of Plaintiffs' claims against the two Union Defendant-Appellees pursuant to Fed. R. Civ. P. 12 (c) (Docs. 220, 221); and (2) the Order subsequently granting summary judgment against the remainder of the Plaintiffs' claims against such Union Defendant-Appellees pursuant to Fed. R. Civ. P. 56. (Docs. 362, 363). Day and Zimmerman NPS, Inc. is not a party to, or affected by, those two Orders that are the subject of Appeal #24-13658-D.

Conversely, the following Orders appealed from in Appeal #24-13659-D only involve and affect Defendant-Appellee Day & Zimmerman, NPS Inc.: (1) the Order dismissing and/or striking Plaintiffs' claims against Day & Zimmerman, NPS Inc. pursuant to Fed. R. Civ. P. 12 (b)(6) and/or 12 (f) (Docs. 85, 86); and (2) subsequently granting summary judgment against Plaintiff-Appellee Jones' and Samuel's retaliation claims against Day & Zimmerman, NPS Inc. pursuant to Fed. R. Civ. P. 56 (Docs. 357, 358). The two Union Defendant-Appellees in Appeal #24-13658-D are not a party to, or affected by, those two Orders that are the subject of Appeal #24-13659-D.

The foregoing issues involving only the two Union Defendant-Appellees in Appeal #24-13658-D are already sufficiently complex and fact-intensive to consume the full attention of the parties and full number of pages allowed for briefing that

appeal. Consolidating the unrelated issues in Appeal#24-13659-D that involve only Day & Zimmerman, NPS Inc. as the Defendant-Appellee will only make it worse. The same is true conversely for the issues in the latter Appeal # 24-13659-D which only involve and affect Day & Zimmerman, NPS Inc. Those issues are also sufficiently complex and fact-intensive standing alone to consume the full attention and number of pages allowed for briefing that appeal. Consolidation will not aid the resolution of either appeal. It will only make them more difficult.

WHEREFORE, Plaintiff-Appellants oppose consolidating the two appeals.

Respectfully submitted,  
s/Robert L. Wiggins, Jr.  
Robert L. Wiggins, Jr.  
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### **CERTIFICATE OF COMPLIANCE**

Plaintiffs-Appellants certify that the Plaintiff-Appellants' Opposition To Consolidation Of Separate Appeals complies with the type-volume limitation as it contains 377 words according to the word-count function of the word-processing system used to prepare the brief.

s/Robert L. Wiggins, Jr.  
Counsel for Plaintiffs-Appellants

## **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing was served by CM/ECF on January 27, 2025 to the following:

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